

ASSEMBLY BILL

No. 560

Introduced by Assembly Member Ammiano

February 20, 2013

An act to amend Section 422.55 of the Penal Code, relating to hate crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 560, as introduced, Ammiano. Hate crimes: political affiliation.

Existing law establishes the offense of a “hate crime” to mean a criminal act committed, in whole or in part, because of one or more actual or perceived characteristics, as specified, of the victim. Existing law prohibits a person from willfully injuring, intimidating, interfering with, oppressing, or threatening any other person in the free exercise or enjoyment of any legal right because the victim has, or is perceived to have, one of those specified characteristics. Existing law also prohibits a person from knowingly defacing, damaging, or destroying the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any legal right because the victim has, or is perceived to have, one of those characteristics.

This bill would add political affiliation to the list of actual or perceived characteristics necessary to determine whether a criminal act qualifies as a hate crime.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 422.55 of the Penal Code is amended to
2 read:

3 422.55. For purposes of this title, and for purposes of all other
4 state law unless an explicit provision of law or the context clearly
5 requires a different meaning, the following shall apply:

6 (a) "Hate crime" means a criminal act committed, in whole or
7 in part, because of one or more of the following actual or perceived
8 characteristics of the victim:

9 (1) Disability.

10 (2) Gender.

11 (3) Nationality.

12 (4) Race or ethnicity.

13 (5) Religion.

14 (6) Sexual orientation.

15 (7) *Political affiliation.*

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17 (8) Association with a person or group with one or more of
18 these actual or perceived characteristics.

19 (b) "Hate crime" includes, but is not limited to, a violation of
20 Section 422.6.

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.